

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1345**

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**Introduced by Senator Berryhill**  
**(Coauthor: Senator Gaines)**  
(Coauthors: Assembly Members Dahle and Mathis)

February 19, 2016

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~~An act to amend Section 11400 of the Streets and Highways Code, relating to pedestrian malls. An act to amend Section 38026.1 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, as amended, Berryhill. ~~Pedestrian malls: disputed claims. Vehicles: off-highway vehicle recreation: County of Sierra.~~

Existing law authorizes an off-highway motor vehicle that has been issued a plate or device to be operated or driven upon a highway under certain circumstances. Existing law authorizes various public entities, and the Director of the Department of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met. Existing law prohibits a highway from being designated for this combined use for a distance of more than 3 miles.

Existing law, until January 1, 2017, authorizes the County of Inyo to establish a pilot project that would exempt specified combined-use highways in the unincorporated area in the County of Inyo from this prohibition to link together existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles, as prescribed. Existing law requires the County of Inyo, in consultation

with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2016, as specified.

This bill would expand these provisions to additionally authorize the County of Sierra to establish a pilot project as described above. The bill would require the county to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2019. The bill would also extend the operation of these provisions until January 1, 2020.

~~The Pedestrian Mall Law of 1960 requires a legislative body, after determining that a pedestrian mall shall be established and that there remain any written claims for legal damages because of the establishment of the proposed mall to direct an action or actions be brought in superior court, as specified, to resolve those claims.~~

~~This bill would make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *It is the intent of the Legislature in enacting this*  
2 *act and designating combined-use highways on unincorporated*  
3 *county roads in the County of Sierra for more than three miles to*  
4 *link existing roads in the unincorporated portion of the county to*  
5 *existing trails and trailheads on federal Bureau of Land*  
6 *Management or United States Forest Service lands in order to*  
7 *provide a unified system of trails for off-highway motor vehicles.*  
8 *It is the intent of the Legislature to develop additional data to*  
9 *better evaluate whether a combined-use highways system is*  
10 *workable in other counties beyond the County of Inyo. It is further*  
11 *the intent of the Legislature that no General Fund moneys be*  
12 *expended for the pilot project established by this act, and the*  
13 *project will be revenue neutral to the state.*

14     SEC. 2. *Section 38026.1 of the Vehicle Code is amended to*  
15 *read:*

16     38026.1. (a) Except as provided in subdivision (e), the ~~County~~  
17 ~~of Inyo~~ *Counties of Inyo and Sierra may each establish a pilot*  
18 *project to designate combined-use highways on unincorporated*  
19 *county roads in the county for no more than 10 miles so that the*

1 combined-use highways can be used to link existing off-highway  
2 motor vehicle trails and trailheads on federal Bureau of Land  
3 Management or United States Forest Service lands, and to link  
4 off-highway motor vehicle recreational-use areas with necessary  
5 service and lodging facilities, in order to provide a unified system  
6 of trails for off-highway motor vehicles, preserve traffic safety,  
7 improve natural resource protection, reduce off-highway vehicle  
8 trespass on private land, and minimize impacts on county residents.

9 (b) ~~The~~A pilot project *established pursuant to this section* shall  
10 do all of the following:

11 (1) Prescribe a procedure for highway, road, or route selection  
12 and designation. The procedure shall be approved by a vote of a  
13 majority of ~~the Inyo County Board of Supervisors~~; *each county's*  
14 *respective board of supervisors*.

15 (2) Prescribe a procedure for the county to remove a  
16 combined-use designation, including a designation that is removed  
17 as a result of the conclusion of the pilot program.

18 (3) In cooperation with the Department of Transportation,  
19 establish uniform specifications and symbols for signs, markers,  
20 and traffic control devices to control off-highway motor vehicles,  
21 including, but not limited to, the following:

22 (A) Devices to warn of dangerous conditions, obstacles, or  
23 hazards.

24 (B) Designations of the right-of-way for regular vehicular traffic  
25 and off-highway motor vehicles.

26 (C) A description of the nature and destination of the  
27 off-highway motor vehicle trail.

28 (D) Warning signs for pedestrians and motorists of the presence  
29 of off-highway motor vehicle traffic.

30 (4) Require that off-highway motor vehicles subject to the pilot  
31 project meet the safety requirements of federal and state law  
32 regarding proper drivers' licensing, helmet usage, and the  
33 requirements pursuant to Section 38026.5.

34 (5) Prohibit off-highway motor vehicles from traveling faster  
35 than 35 miles per hour on highways designated under this section.

36 (6) Include an opportunity for public comment at a public  
37 hearing held by ~~the~~ *each* county in order to evaluate the pilot  
38 project.

39 (c) ~~The~~A pilot project *established pursuant to this section* may  
40 include use of a state highway, subject to the approval of the

1 Department of Transportation, or any crossing of a highway  
2 designated pursuant to Section 38025.

3 (d) (1) By selecting and designating a highway for combined  
4 use pursuant to this section, ~~the County of Inyo~~ *each county* agrees  
5 to defend and indemnify the state against any and all claims,  
6 including legal defense and liability arising from a claim, for any  
7 safety-related losses or injuries arising or resulting from use by  
8 off-highway motor vehicles of a highway designated as a  
9 combined-use highway by ~~the Inyo County Board of Supervisors~~  
10 *each county's respective board of supervisors* pursuant to this  
11 section.

12 (2) This subdivision does not alter the requirements of  
13 subdivision (e).

14 (e) ~~The County of Inyo~~ *A county* shall not designate a highway  
15 for combined use pursuant to this section unless the Commissioner  
16 of the Department of the California Highway Patrol finds that  
17 designating the highway for combined use would not create a  
18 potential traffic safety hazard.

19 (f) Not later than January 1, 2016, the County of Inyo, in  
20 consultation with the Department of the California Highway Patrol,  
21 the Department of Transportation, and the Department of Parks  
22 and Recreation, shall prepare and submit to the Legislature a report  
23 evaluating the pilot project, and containing ~~both~~ *all* of the  
24 following:

25 (1) A description of the road segments designated to allow  
26 combined use for over three miles, as approved or adopted by a  
27 majority vote of the members of the Inyo County Board of  
28 Supervisors.

29 (2) An evaluation of the overall safety and effectiveness of the  
30 pilot project, including its impact on traffic flows, safety,  
31 off-highway vehicle usage on existing trails, incursions into areas  
32 not designated for off-highway vehicle usage, and nonmotorized  
33 recreation.

34 (3) A description of the public comments received at a public  
35 hearing held by the county in regards to an evaluation of the pilot  
36 project.

37 (g) *Not later than January 1, 2019, the County of Sierra, in*  
38 *consultation with the Department of the California Highway Patrol,*  
39 *the Department of Transportation, and the Department of Parks*  
40 *and Recreation, shall prepare and submit to the Legislature a*

1 *report evaluating the pilot project, and containing all of the*  
2 *following:*

3 *(1) A description of the road segments designated to allow*  
4 *combined use for over three miles, as approved or adopted by a*  
5 *majority vote of the members of the Sierra County Board of*  
6 *Supervisors.*

7 *(2) An evaluation of the overall safety and effectiveness of the*  
8 *pilot project, including its impact on traffic flows, safety,*  
9 *off-highway vehicle usage on existing trails, incursions into areas*  
10 *not designated for off-highway vehicle usage, and nonmotorized*  
11 *recreation.*

12 *(3) A description of the public comments received at a public*  
13 *hearing held by the county in regards to an evaluation of the pilot*  
14 *project.*

15 ~~(g)~~

16 *(h) (1) A report submitted pursuant to subdivision (f) or (g)*  
17 *shall be submitted in compliance with Section 9795 of the*  
18 *Government Code.*

19 *(2) This section shall remain in effect only until January 1, 2017,*  
20 *2020, and as of that date is repealed, unless a later enacted statute,*  
21 *that is enacted before January 1, 2017, 2020, deletes or extends*  
22 *that date.*

23 ~~SECTION 1. Section 11400 of the Streets and Highways Code~~  
24 ~~is amended to read:~~

25 ~~11400. If following the hearing the legislative body determines~~  
26 ~~that the pedestrian mall shall be established, and if at that time~~  
27 ~~there remain any written claims for damages that have not been~~  
28 ~~allowed pursuant to Section 11310 or that have not been~~  
29 ~~withdrawn, the legislative body shall direct that an action or actions~~  
30 ~~be brought in the superior court in the name of the city by the~~  
31 ~~county counsel, district attorney, or city attorney, as the case may~~  
32 ~~be, or other attorney designated by the legislative body for a~~  
33 ~~determination of the damages, if any, to which the claimant may~~  
34 ~~legally be entitled because of the establishment of the pedestrian~~  
35 ~~mall. The action shall be in the nature of a proceeding in eminent~~  
36 ~~domain for the condemnation of the right or rights in real property,~~  
37 ~~the taking of which by the establishment of the pedestrian mall~~  
38 ~~results in the damages claimed. Except as may otherwise be~~  
39 ~~provided in this part, the action and proceeding shall be governed~~  
40 ~~so far as the same may be made applicable by the provisions~~

1 relating to proceedings in eminent domain. Except as provided in  
2 Article 2 (commencing with Section 1245.210) of Chapter 4 of  
3 Title 7 of Part 3 of the Code of Civil Procedure, in any action the  
4 resolution of intention adopted pursuant to this part and the  
5 resolution adopted under Section 11311 conclusively establish the  
6 matters referred to in Section 1240.030 of the Code of Civil  
7 Procedure.

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